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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
GROUP ART UNIT: 2645 EXAMINER: Hoosain, Allan

#27
smc
3/3/04

INVENTOR: Igor Neyman et al.
CASE: P3251
SERIAL NO.: 08/928,861
FILED: 09/12/1997
SUBJECT: Call Center Apparatus and Functionality in Telephony

PARTY IN INTEREST: All inventions in the disclosure in the present case are assigned to or assignable to:

Genesys Telecommunications Laboratories, Inc.
2001 Junipero Serra Blvd.
Daly City, CA 94014

THE COMMISSIONER OF PATENTS AND TRADEMARKS
WASHINGTON, D.C. 20231

SIR:

APPEAL BRIEF

37 C.F.R 1.192(c)(1) Real Party in Interest

The real party in interest is the party named above in the caption of the brief:

Genesys Telecommunications Laboratories, Inc.
2001 Junipero Serra Blvd.
Daly City, CA 94014

37 C.F.R 1.192(c)(2) Related Appeals and Interferences

This is an appeal from the action of the Examiner dated July 17, 2003 finally rejecting claims 2-10 and 12-18, the only pending claims in the application. There are no related appeals or interferences in the instant case.

37 C.F.R 1.192(c)(3) Status of the Claims

A preliminary amendment was filed on **10/14/1997**, canceling claim 1, adding new claims 2-18, and amending the specification. Applicant amended claims 2 and 7, and presented arguments in appellant's Amendment B filed **February 16, 1999** in response to the Office Action mailed November 19, 1998, objecting to claims 2 and 7, and rejecting claims 2-18. Amended claims 2-10, 12-14, and 16-18, and cancelled claim 11 in appellant's Amendment C filed **August 12, 1999**, in response to the non-Final Office Action mailed May 14, 1999, rejecting claims 2-18. Presented further arguments in appellant's Amendment D filed **January 20, 2000** in response to the Final Office Action mailed October 26, 1999, rejecting claims 2-10 and 12-18. Presented further argument in appellant's Preliminary Amendment filed **February 29, 2000** in response to the Advisory Office action mailed February 11, 2000, and further in response to the Office Action of October 26, 1999. Amended claims 2 and 10 in appellant's Amendment F filed **August 21, 2000** in response to the non-final Office Action mailed May 24, 2000, rejecting claims 2-10 and 12-14. Presented further argument in appellant's Amendment G filed **August 22, 2002**, in response to the non-Final Office Action mailed June 24, 2002, rejecting claims 2-10 and 12-18. Amended claims 2, 10 and 13 in appellant's Response H filed **June 13, 2003** in response to

the Final Office Action mailed October 25, 2002, rejecting claims 2-10 and 12-18. Amended the specification and amended claims 2, 5, 10 and 13 in appellant's Response I filed **April 9, 2003** in response to the Office Action mailed February 14, 2003.

Therefore, claims 2-10 and 12-18 in their last-amended form are left standing and have been maintained in that present form until the present Appeal.

37 C.F.R 1.192(c)(4) Status of Amendments

Following is a chronological listing of Office actions and Amendments filed in the instant case:

1. Case filed with claim 1 on September 12, 1997, case accorded USSN 08/928,861.
2. Preliminary Amendment filed **10/14/1997** amending the specification, deleting claim 1 and adding new claims 2-18.
3. First Office Action mailed November 19, 1998, objecting to claims 2 and 7, and rejecting claims 2-18.
4. Response filed **February 16, 1999** as Amendment B amending claims 2 and 7, and presenting arguments.
5. Non-Final Office Action mailed May 14, 1999 rejecting claims 2-18.
6. Response filed on **August 12, 1999** as Amendment C amending a substantial number of the claims, and canceling claim 11.
7. Final Office Action mailed October 26, 1999 rejecting claims 2-10 and 12-18.
8. Response to Final Office Action filed **January 20, 2000** as Amendment D Under Rule 116, presenting further arguments.

9. Advisory Office Action mailed February 11, 2000 maintaining the rejection of claims 2-10 and 12-18.
10. Response filed on **February 29, 2000** as Preliminary Amendment in response to Advisory Office Action and Final Office Action mailed October 26, 1999, presenting further arguments.
11. Non-Final Office Action mailed May 24, 2000 rejecting claims 2-10 and 12-18.
12. Response filed **August 21, 2000** as Amendment F amending claims 2 and 10.
13. Non-Final Office Action mailed June 24, 2002 rejecting claims 2-10 and 12-18.
14. Response filed on **August 22, 2002** as Amendment G presenting further arguments.
15. Final Office Action mailed October 25, 2002 rejecting claims 2-10 and 12-18.
16. Response to Final Office Action filed **June 13, 2003** as Response H amending claims 2, 10 and 13.
17. Non-Final Office Action mailed February 14, 2003 rejecting claims 2-10 and 12-18.
18. Response filed on **April 9, 2003** as Response I amending the specification and further amending claims 2, 5, 10 and 13.
19. Final Office Action mailed July 17, 2003 rejecting claims 2-10 and 12-18.
20. Notice of Appeal filed **November 20, 2003**.

As of the time of this Appeal Brief, claims 2-10 and 12-18 as last amended stand for decision on appeal from the Examiner's Final rejection made on July 17, 2003.

37 C.F.R 1.192(c)(5) Summary of the Invention

The invention is a method for routing Internet Protocol Network Telephony (IPNT) calls at customer premises having a managing processor and a plurality of agent stations coupled to the managing processor, each agent station comprising a computer digitally connected to a telephone forming an IPNT-capable workstation, and the managing processor storing a current set of routing rules specific to, and accessible and editable by a person assigned to the computer workstation.

Fig. 4 of the specification illustrates a diagram of a call-routing system implemented in client-server mode for practicing the present invention, and Fig. 7 illustrates a diagram of a call and information routing and call-center system similar to that of Fig. 4, but further Internet Protocol Network Telephony (IPNT) enabled.

The call router system for determining routing of incoming IPNT calls according to a first embodiment of the present invention is exemplified in claim 13, and methods for routing IPNT calls and for individual customization of routing rules for the received IPNT calls are exemplified in claims 2 and 10 respectively.

The method for routing IPNT calls in a first embodiment, as exemplified in claim 2 and with reference to Fig. 7, comprises the steps of receiving an IPNT call 1104 at a managing processor 1151, determining the person assigned to the IPNT-capable workstation of the agent stations 1160/1170 is an intended recipient for the call, requesting routing by the managing processor from the specific set of current routing rules for the workstation, accessible and editable by the person assigned to the computer workstation, and routing the call to the IPNT-capable workstation associated with the intended recipient according to the current routing

rules specific to the intended recipient, without converting the protocol of the IPNT call.

In some embodiments the editable routing rules are maintained at the IPNT-capable computer workstation, and in other embodiments may be maintained on a central client-server router (401, Fig. 4) executed on a processor (223, Fig. 4). The processor may be the managing processor for the customer premises 1150, and in some other embodiments the processor executing the client-server router is a processor separate from the managing processor.

The method of the first embodiment of the invention, as exemplified in claim 2, may further comprise a step executed by the person for editing the routing rules via an interactive Graphical User Interface (GUI 401a/b, Fig. 4) executing on the intended recipient's IPNT-capable computer workstation. In some embodiments there may be multiple workstations coupled to the managing processor, and the client-server router has router-rule portions dedicated to individual ones of agents at individual ones of the computer workstations, and wherein an individual agent, through the user interface executing on the computer workstation to which the agent is assigned, may access the portion dedicated to that agent, and edit the routing rules therein. The user interface in some embodiments comprises a graphical user interface (GUI) having icons indicating telephone calls received and for choices of disposition of telephone calls received, and including steps for an agent to precipitate actions in call routing by iconic drag-and-drop procedures.

A method for individual customization of routing rules for received calls is further provided in a customer premises IPNT call center having a managing processor coupled to a plurality of IPNT-capable workstations, including sets of routing rules specific to individual agents assigned to the workstations, the managing processor for routing received calls to individual ones of the connected

agents at the computer workstations. In a first embodiment the method comprises the steps of executing a client user interface on one of the computer workstations by an agent at the station, determining routing for the received calls addressed to the computer workstation at the computer workstation by the agent at the workstation using the client user interface to access and edit personal routing rules, transmitting the routing determination to a router executing on the managing processor, and routing the received telephone calls by the router according to the transmitted routing determination, without converting the protocol of the received calls. In some embodiments the processor upon which the router executes is a processor separate from the managing processor.

A call router system is further provided, as exemplified in Fig. 4 and further in Fig. 7, for determining routing of incoming IPNT calls in a customer premises call center including a managing processor 1151 connected to individual IPNT-capable computer workstations of agent stations 1160/1170, each agent station comprising a computer and telephone coupled to each other by a data link thereby forming an IPNT-capable workstation, the managing processor having sets of routing rules specific to individual agents associated with the workstations. The system in a first embodiment comprises a client user interface (401a/b, Fig. 4) executable on one of the computer workstations, and adapted to provide functions for editing routing rules for individual agents, and a router (401, Fig. 4) listing current routing rules specific to the agent at the workstation, wherein the client user interface is adapted to transmit agent-edited routing rules to the router, and the router is adapted to provide routing to incoming calls addressed to the agent according to the current routing rules, without converting the protocol of the incoming call.

In some embodiments the router listing current routing rules specific to the agent at the workstation may execute on a processor, and the processor upon

which the router executes in other embodiments may be the managing processor, while in still some other embodiments the processor upon which the router executes may be a processor separate from the managing processor. The routing rules may be maintained at the individual agent's computer workstation and the router requests routing from individual agent's computer workstations. In other embodiments the routing rules for the connected agent's computer workstations are maintained separately on the processor that executes the router, and routing may be accessed from the routing rules according to destination information for received calls.

37 C.F.R 1.192(c)(6) Issues

Whether the Examiner in the present case makes a proper rejection of claims 2-10 and 12-18 as unpatentable over Rogers in view of Andrews et al. Appellant asserts that the combination of references relied upon by the Examiner lacks motivation and fails to teach or suggest the present invention as claimed in all of its limitations. Appellant argues that neither prior art reference relied upon by the Examiner teaches, suggests or intimates routing IPNT calls to an IPNT-capable computer station without converting the protocol of the received IPNT call.

37 C.F.R 1.192(c)(7) Grouping of Claims

All of the claims stand or fall together, and there is no grouping presented of separately patentable claims.

37 C.F.R 1.192(c)(8) Argument

In the Final Office Action mailed July 17, 2003, the Examiner maintained the primary reference of Rogers for teaching substantially all of the limitations of applicant's claims with the exception of the limitations "a computer digitally connected to a telephone" and "without converting the protocol of the IPNT call", contending that it is obvious, however, that Rogers suggests the specific limitations, and further, that Andrews teaches the limitations, because both references teach Internet interfaces.

Appellant's prior arguments filed April 9, 2003 that the prior art, either singly or in combination, fails to anticipate all of appellant's claim limitations, particularly routing the IPNT call to the IPNT-capable computer station without converting the protocol of the received IPNT call, were not persuasive to the Examiner.

Regarding claims 2-9, and with respect to Figures 1 and 5 of Rogers, the Examiner maintains that the reference of Rogers teaches appellants method for routing IPNT calls at customer premises having all of the architectural elements of applicant's claim, comprising all of the steps of applicant's claims including routing the call to the IPNT-capable workstation associated with the intended recipient according to the current routing rules specific to the intended recipient (col. 36, lines 33-45 and col. 37, lines 1-51), with the exception that Rogers does not teach a "computer digitally connected to a telephone" and "without converting the protocol of the IPNT call". The Examiner further states that it is obvious, however, that Rogers suggests the limitation because Rogers teaches routing voice-over-Internet calls to any telephone instrument and TAPI client and Internet interfaces for receiving Internet calls. The Examiner relies on Andrews for teaching the limitation, stating that it would have been obvious to one of ordinary skill in the art at the time of the invention to add the TAPI connection Internet Interface capabilities of Andrews to the invention of Rogers for receiving Internet calls using integration of telephones and computers as taught by Andrews in order to provide Internet applications for placing or receiving calls.

Regarding independent claim 10, the Examiner argues that, with respect to Figures 1-2 and 5 of Rogers, the reference teaches all of the limitations of applicant's claim, with the exception of "without converting the protocol of the IPNT call", contending, however, that it is obvious that Rogers suggests the limitation, and further that Andrews teaches the limitation, for the same reasons as

applied to 2-9 above, and relying on the same portion of the reference in support of the statement.

Applicant wishes to direct the Board's attention on the specific key limitations of the base claims of the present application, reciting routing IPNT calls to IPNT-capable computer workstations without converting the protocol of the incoming call, paying special attention that the incoming IPNT calls are routed to the IPNT-capable computer workstations, as IPNT calls, and are received at the workstations as IPNT calls, without conversion of the protocol of the received call, as it is these distinct limitations that are not explicitly taught or suggested in either of the references relied upon and applied by the Examiner in this case.

The Examiner has argued that, since Rogers teaches an Internet interface and the system can function as an Internet server for receiving calls, the reference therefore teaches receiving the Internet calls without converting protocols. It is noted by appellant, however, that the Examiner in this case has taken the teachings of Rogers clearly out of context for reading on the specific limitations of the independent claims of the instant application. Specifically, Rogers teaches ✓ (col. 8, lines 53-67), with respect to Figures 1 and 2, that the call management computer 101 is connected to the organization's digital data network 109, including a LAN as well as other external WAN networks such as the Internet, via interfaces 209, 213 or 214.

The interfaces, however, provide the managing computer access to the user workstations, and the networks operate independently of whether the user's telephone instrument is busy or not. That is, the interfaces do not enable the computer workstation to receive the IP and he calls without converting the protocol of the calls. The interfaces enable notification of events and control over multiple calls independently of the organization's PBX or other switch system, and independently of the user's telephone device. It is specifically stated in the

above portion of Rogers cited and applied by the Examiner, that the digital networks 109 are used by the call management computer 101 to alert called users (claimed intended recipients) to incoming voice calls or fax voice or data messages, and for receiving user controls from the user's workstation. The digital networks 109 also provide access to the LAN server 110 for accessing e-mail or voice mail messages, Internet access, and so on, but there is clearly no specific teaching or suggestion that the workstation associated with the intended recipient of the incoming call, in this case workstation 114, Figure 1 of Rogers, is IPNT-capable or enabled for receiving a call routed as IPNT in the protocol in which is routed. The workstation of Rogers is still unable to receive or process an IPNT call without first converting the protocol of the received call, and the various digital interfaces as shown in Figure 2 of Rogers are clearly taught to have nothing whatsoever to do with routing a received IPNT call to an IPNT-capable workstation associated with the intended recipient, without converting the protocol of the IPNT call.

Rogers further teaches (col. 7, lines 44-46) that the call management computer 101 is configured in programmed to appear to telephone service providers 103 as though it is a business PBX or other business telephone switch and/or an Internet or other data server or node. There still, however, is no teaching or suggestion of routing IPNT calls to the intended recipient without converting the protocol. Rogers teaches that the end-user may retrieve stored messages initially received in various formats, such as text or voice, and stored for future retrieval by the end-user in, such as LAN server 110, for example, and it is the digital interfaces taught by Rogers that enables such access to the end-users.

Appellant argues that it is therefore not obvious that Rogers suggests a computer digitally connected to a telephone, thereby forming an IPNT-capable workstation, and routing a received IPNT call to the IPNT-capable workstation

associated with the intended recipient, without converting the protocol of the IPNT call. Rogers teaches accessing stored messages via digital interfaces, not receiving an IPNT call as an IPNT call by the intended recipient. A received call intended for the recipient at the final destination is routed in a conventional manner by PBX 104, or central office 103 (col. 10, lines 31-33) to the intended recipient, and the received call must also, in all cases, still be converted to PSTN before being routed and received at the by the intended recipient, utilizing standard POTS telephone equipment not capable of handling incoming calls of a protocol other than PSTN. It is clearly taught that real-time protocol conversion is provided between central office trunks 102 and PBX trunks 105 of the Call Management System of Figure 1, allowing the system to receive new or different types of services from the telephone provider while still connecting to and utilizing existing telephone systems, which cannot otherwise accept the new capabilities directly. The user of Rogers is enabled to control and retrieve stored messages from a desktop computer via digital interfaces, without the need for using standard telephone equipment, but there is clearly no capability or suggestion of routing an IPNT call to the intended recipient's IPNT-capable equipment, without converting the protocol of the IPNT call, and it is certainly not obvious in the teachings of Rogers to have such capability.

Andrews teaches interface means enabling the user of a workstation to view, edit or update information stored and retrieved from database 476, and teaches integrating telephones and computers for enabling merging of the data to permit further processing of said data via various applications, there is no teaching or suggestion in Andrews of an IPNT-capable end-user device associated with the intended recipient of a received IPNT call, and routing the IPNT call to the intended recipient without converting the protocol of the IPNT call.

Appellant asserts that because of the fact that, in the prior art cited and applied by the Examiner, there is shown to be routing of incoming calls, various digital interfaces enabling the user of the computer workstation to control, retrieve or edit stored messages originating in various formats, and integrating computers and telephones for performing such functions, the combined prior art still fails to read on appellant's specific limitations in the independent claims, of routing an IPNT call to the IPNT-capable workstation associated with the intended recipient, without converting the protocol of the IPNT call. Appellant respectfully points out that the Examiner has taken the teachings of the references clearly out of context, and that obviousness cannot be established by combining the teachings to produce the claimed invention, absent sufficient teaching or suggestion supporting the combination. Appellant therefore strongly argues that, in this case, the prior art of record clearly fails to provide such teaching, incentive or ability as taught in the claimed invention and specifically recited in the claims, and that a proper rejection under 35 U.S.C. 103(a) cannot be made by combining the art of Rogers and Andrews. Appellant believes that the independent claims are clearly shown to be patentable over the combined art, and depending claims 3-9, 12 and 14-18 are therefore patentable on their own merits, or at least as depended from a patentable claim.

In conclusion, it is respectfully submitted that the prior art provided by the USPTO in this case, either singly or in combination, essentially fails to teach or suggest all of the limitations and capabilities as recited in appellant's claim language. Accordingly, the appellant respectfully requests that the Board reverse the final rejection of claims 2-10 and 12-18 as unpatentable over Rogers in view of Andrews, and hold them allowable.

37 C.F.R 1.192(c)(9) Appendix

Following are the claims involved in the Appeal:

2. A method for routing Internet Protocol Network Telephony (IPNT) calls at customer premises having a managing processor and a plurality of agent stations coupled to the managing processor, each agent station comprising a computer digitally connected to a telephone forming an IPNT-capable workstation, the managing processor storing a current set of routing rules specific to and accessible and editable by a person assigned to the computer workstation, the method comprising steps of:

(a) receiving an IPNT call at the managing processor;

(b) determining the person assigned to the IPNT-capable workstation is an intended recipient for the call;

(c) requesting routing by the managing processor from the specific set of current routing rules for the workstation, accessible and editable by the person assigned to the computer workstation; and

(d) routing the call to the IPNT-capable workstation associated with the intended recipient according to the current routing rules specific to the intended recipient, without converting the protocol of the IPNT call.

3. The method of claim 2 wherein the editable routing rules specific to the person are maintained at the computer workstation.

4. The method of claim 2 wherein the editable routing rules for the intended

recipient are maintained on a central client-server router executed on a processor.

5. The method of claim 4 wherein the processor is the managing processor for the customer premises.

6. The method of claim 4 wherein the processor executing the client-server router is a processor separate from the managing processor.

7. The method of claim 2 comprising a step executed by the person for editing the routing rules via an interactive Graphical User Interface (GUI) executing on the intended recipient's computer workstation.

8. The method of claim 4 wherein there are multiple workstations coupled to the managing processor, and the client-server router has router-rule portions dedicated to individual ones of agents at individual ones of the computer workstations, and wherein an individual agent, through a user interface executing on a computer workstation to which the agent is assigned, may access the portion dedicated to that agent, and edit the routing rules therein.

9. The method of claim 8 wherein the user interface comprises a graphical user interface (GUI) having icons indicating telephone calls received and for choices of disposition of telephone calls received, and including steps for an agent to precipitate actions in call routing by iconic drag-and-drop procedures.

10. In a customer premises Internet Protocol Network Telephony call center having a managing processor coupled to a plurality of IPNT-capable agent workstations, including sets of routing rules specific to individual agents assigned to the workstations, the managing processor for routing received calls to individual ones of the connected agents at the computer workstations, a method for individual customization of routing rules for the received calls, comprising steps of:

(a) executing a client user interface on one of the computer workstations by an agent at the station;

(b) determining routing for the received calls addressed to the computer workstation at the computer workstation by the agent at the workstation using the client user interface to access and edit personal routing rules;

(c) transmitting the routing determination to a router executing on the managing processor; and

(d) routing the received telephone calls by the router according to the transmitted routing determination, without converting the protocol of the received calls.

12. The method of claim 10 wherein the processor upon which the router executes is a processor separate from the managing processor.

13. A call router system for determining routing of incoming Internet Protocol Network Telephony calls in a customer premises call center including a managing processor connected to individual IPNT-capable computer workstations, the managing processor having sets of routing rules specific to individual agents

associated with the workstations, the router system comprising:

a client user interface executable on one of the computer workstations, and adapted to provide functions for editing routing rules for individual agents; and

a router listing current routing rules specific to the agent at the workstation;

wherein the client user interface is adapted to transmit agent-edited routing rules to the router, and the router is adapted to provide routing to incoming calls addressed to the agent according to the current routing rules, without converting the protocol of the incoming call.

14. The call router system of claim 13 wherein the router executes on a processor.

15. The call router system of claim 14 wherein the processor upon which the router executes is the managing processor.

16. The call router system of claim 14 wherein the processor upon which the router executes is a processor separate from the managing processor.

17. The call router system of claim 14 wherein routing rules are maintained at the individual agent's computer workstation and the router requests routing from the individual agent's computer workstation.

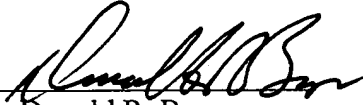
18. The call router system of claim 14 wherein routing rules for connected agent's computer workstations are maintained separately on the processor that executes

the router, and wherein routing is accessed from the routing rules according to destination information for received calls.

If any additional time extensions are required beyond any extension petitioned with this Appeal Brief, such extensions are hereby requested. If there are any fees due beyond any fees paid with this Appeal Brief, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,

Igor Neyman et al.

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